

DOCKET FILE COPY ORIGINAL

MM Docket No. 99-25

RM-9208
RM-9242

RECEIVED

NOV 15 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

USA Digital Radio, Inc. (“USADR”), by its attorneys, hereby submits these reply comments above-referenced proceeding.¹ The comments in this proceeding address a wide range of concerns concerning the Commission’s proposal for a low power radio service in the FM broadcast band. The large number of comments in this proceeding contain numerous arguments about the benefits and liabilities of the Commission’s proposal. Because USADR’s interest in this proceeding is based on the impact of the Commission’s proposed Low Power FM (“LPFM”) rules on the development of digital audio broadcasting (“DAB”) for terrestrial AM and FM radio, USADR limits its reply comments to this topic.

USADR was gratified by the strong support in the comments expressed for DAB and the use of In-Band On-Channel (“IBOC”) technology as the best means for implementing DAB in the United States. The comments indicate that broadcasters are extremely interested in upgrading AM and FM facilities to digital and that IBOC is the most attractive and least disruptive option for transitioning to digital broadcasting. USADR strongly supports the many comments which urge the

The original reply date was extended until fourteen days after the release of a Notice of Proposed Rulemaking regarding digital audio broadcasting. *Creation of Low Power Radio Service*, MM Docket No. 99-25, *Order* (Sept. 17, 1999). The Commission released its NPRM on digital audio broadcasting on November 1, 1999. *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service*, MM Docket No. 99-325, *Notice of Proposed Rulemaking* (Nov. 1, 1999) ("DAB NPRM"). Thus, reply comments in this proceeding must be filed by November 15, 1999.

No. of Copies rec'd 04
List ABCDE

Commission to ensure that any steps taken to implement LPFM not impede or further complicate the upgrade of AM and FM to DAB using IBOC technology.

The linkage between the Commission's separate proceedings considering IBOC DAB and LPFM is more than merely implied in the Commission's recent statements in each proceeding. The Commission extended the reply comment date on LPFM until after initiation of a DAB rulemaking to insure the Commission's proposals on DAB could be addressed in the LPFM reply comments.² In both the LPFM NPRM³ and the DAB NPRM⁴ the Commission seeks comment on the impact of the other proceeding.

Based on the linkage between these two proceedings, USADR urges the Commission to refrain from adopting any final rules for LPFM until it has completed the record in the DAB rulemaking proceeding. The Commission needs information on the real world operation of IBOC systems in order to determine whether implementation of LPFM would effectively preclude an in-band solution for upgrading existing FM broadcasting. Because the DAB rulemaking is scheduled to develop significant new information over the next three months, it would be premature for the Commission to move forward with adoption of LPFM rules prior to submission of directly relevant information from the DAB proceeding.

IBOC proponents are scheduled to submit to the National Radio Systems Committee ("NRSC") information about operation and testing of their systems by December 15, 1999. The Commission has requested that these reports be submitted to the Commission as well.⁵ These test

² See *Order supra* n. 1.

³ *Creation of a Low Power Radio Service*, MM Docket No. 99-25, *Notice of Proposed Rulemaking*, 14 FCC Rcd. 2471, 2490 (1999).

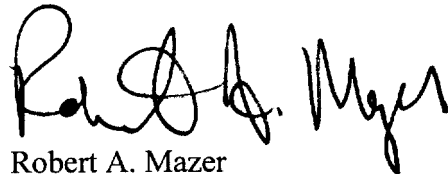
⁴ DAB NPRM at ¶ 25.

⁵ DAB NPRM at ¶ 57.

results and system descriptions will contain a wealth of information on the existing interference environment in the FM band and the compatibility of IBOC systems with existing analog broadcasts. USADR believes these test results will demonstrate the viability of IBOC DAB and IBOC DAB's ability to provide an improvement over existing analog service. These December reports will be supplemented by comments and reply comments scheduled for filing in January and February, respectively. USADR anticipates the FCC filings to be made over the next three months will help address the compatibility of IBOC DAB and LPFM based on the results of the current IBOC DAB test program.

USADR believes that NRSC test results coupled with the comments to be filed in the DAB rulemaking will put the Commission in a better position to make informed decisions about the viability of LPFM. USADR encourages the Commission to take no steps to change the interference environment in the FM band which would impact the introduction of IBOC DAB and to delay proceeding with LPFM rules until the record on IBOC DAB is complete.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Mazer". The signature is fluid and cursive, with the first name "Robert" being more prominent.

Robert A. Mazer
Albert Shuldiner
Vinson & Elkins L.L.P.
1455 Pennsylvania Avenue, N.W.
Washington, DC 20004-1008
(202) 639-6500

Counsel for USA Digital Radio, Inc.

Dated: November 15, 1999